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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/708,471	03/05/2004	Timothy David Robert Henderson	800769	2470
23372	7590	04/26/2005	EXAMINER	
TAYLOR RUSSELL & RUSSELL, P.C. 4807 SPICEWOOD SPRINGS ROAD BUILDING TWO SUITE 250 AUSTIN, TX 78759			NGUYEN, KIEN T	
			ART UNIT	PAPER NUMBER
			3714	

DATE MAILED: 04/26/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/708,471	Applicant(s) HENDERSON, TIMOTHY DAVID ROBERT	
	Examiner Kien T. Nguyen	Art Unit 3714	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 January 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-13, 15-17, 19 and 21-26 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-10, 12, 15-17, 19, 25 and 26 is/are rejected.
- 7) ☒ Claim(s) 13 and 21-24 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>01/28/05</u> . | 6) <input type="checkbox"/> Other: _____ |

Drawings

The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the elastomeric body covered with a defensive cover of chain mail as set forth in claim 11 must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 103

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The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 3-10, 12, 15-17, 19, 25, 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Steingraber U.S. Patent 5,415,590 in view of Nicolai U.S. Patent 4,942,703.

Steingraber et al disclosed an amusement ride comprising a ride body (12, 14) (noted post 14 is considered a part of the ride body) and at least one resilient elastomeric support structure (10), the support structure comprising an elastomeric body (col. 2, line 50) that includes a first connection (bottom portion) formation for connection with a supporting foundation (22) (Fig. 2), a second connection formation (top portion) for connection with the ride body, and a connection region (32) (Fig. 3) interconnecting the first and second connection formations (applicant's claim 1). Fig. 3 shows the elastomeric body is formed as a one-piece molding (applicant's claim 3). The connection formation includes a securing region (bottom portion) which having a flange formed in the elastomeric body (see Fig. 3) (applicant's claims 4 and 5). Fig. 2 shows the securing regions having one or more formations that can interact with fasteners such as bolts (23) to secure the elastomeric structure to a supporting foundation (applicant's claims 6 and 7). The securing region is disposed such that material of the elastomeric body is held in compression by a fastener (23) (applicant's claim 8). The elastomeric structure includes a reinforcement member with an annular of

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metal that lies adjacent that is formed integrally with the elastomeric body and which holds the flange in compression (col. 2, lines 57-60) (applicant's claims 9 and 10). The support structure (10) is considered as integrally formed with the ride body (12) (applicant's claim 12). The ride body is supported on a single support structure such that it can rock laterally and bounce vertically due to its elastic characteristics (col. 3, lines 32-48) (applicant's claim 15). Fig. 4 shows a ride body (55) is supported upon two spaced supporting members (10) and one or more riders can sit upon the ride body (applicant's claims 16 and 17). The ride body is shaped as an animal (applicant's claim 25).

It is noted that Steingraber et al failed to specifically teach the elastomeric body as being formed of polyurethane as set forth in claim 1. However, Nicolai teaches an elastomeric support structure for supporting buildings, the support structure forms of polyurethane (col. 3, lines 24-28). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the elastomeric support structure of Steingraber et al with the polyurethane material as taught by Nicolai for the purpose of enhancing the durability of the elastomeric body.

Regarding claim 19, it is very common in the to provide the ride body with skin foamed sit for providing comfort and cushion for the rider. Accordingly, it would have been a matter of design choice to modify the sitting section of the ride body (12) of Steingraber et al with skin foam for the reason as set forth above.

Regarding claim 26, the different facial features are more for cosmetic reason and contain no patentable weight.

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Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Steingraber modified by Nicolai as applied to claim 1 above, and further in view of MacLeay et al U.S. Patent 5,206,378.

It is noted that the elastomeric body of Steingraber et al as modified by Nicolai failed to contain an ultraviolet stabilizing formulation as set forth therein. However, MacLeay et al suggested that it is known in the art to provide a polyurethane elastomeric body with ultraviolet light stabilizer formulation for the purpose of enhancing the finished properties of the finished polymer.

Allowable Subject Matter

Claims 11, 13, 21-24 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Response to Arguments

Applicant's arguments with respect to claim 1 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within

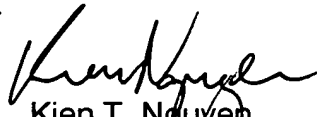
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TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kien T. Nguyen whose telephone number is (571) 272-4428. The examiner can normally be reached on 7:30 AM-5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Derris Banks can be reached on (571) 272-4419. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Kien T. Nguyen
Primary Examiner
Art Unit 3714

Ktn